

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA CHAPTER OF THE NEW
 BLACK PANTHER PARTY,
 ERIC GRIFFIN

Plaintiffs,

vs.

PATRICK WELSH, *et al.*,

Defendants.

2:10-cv-01286-GMN-RJJ

ORDER

Plaintiff has appealed this court's Order denying him leave to proceed *in forma pauperis* because plaintiff is a three strikes litigant (*see* docket #7) to the U.S. Court of Appeals for the Ninth Circuit.

First, plaintiff has filed a motion for leave to proceed *in forma pauperis* on appeal (docket #8) and two motions for appointment of counsel on appeal (docket #13 and #14). However, this court certifies that any *in forma pauperis* appeal of its Order of August 17, 2010 (docket #5) would not be taken "in good faith" pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if appeal would not be frivolous). Accordingly, these motions are denied.

With respect to the other motions filed in this court by plaintiff, as he has appealed the denial of *in forma pauperis* status to the Ninth Circuit, this court has no jurisdiction over this action until the Ninth Circuit rules on his appeal. As such, plaintiff's motions are denied. Plaintiff is directed to file nothing further with this court at this time.

IT IS THEREFORE ORDERED that this court **CERTIFIES** that any *in forma pauperis* appeal from its August 17, 2010 Order (docket #5) would not be taken "in good faith" pursuant


1 to 28 U.S.C. § 1915(a)(3).

2 **IT IS FURTHER ORDERED** that plaintiff's motion for leave to proceed *in forma*
3 *pauperis* on appeal (docket #8); motion for appointment of counsel on appeal (docket #13); and
4 emergency motion for appointment of counsel on appeal (docket #14) are **DENIED**.

5 **IT IS FURTHER ORDERED** that plaintiff's emergency motion to extend time on all
6 matters (#15) is **DENIED**.

7 **IT IS FURTHER ORDERED** that plaintiff shall file no more documents in this case
8 while his appeal is pending. Any such documents shall be returned, unfiled, to plaintiff.

9 DATED this 8th day of November, 2010.

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13 Gloria M. Navarro
14 United States District Judge
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